

ORDINANCE NO. 2025 - 01

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING § 2-1 (OFFICIAL SEAL) AND § 2-2 (ADMINISTRATIVE CODE) OF THE VILLAGE CODE; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, in 2020, the Village Council adopted an official seal of the Village, which is now set forth in § 2-1 of the Village Code; and

WHEREAS, Florida Statutes § 165.043 provides that the manufacture, use, display, or other employment of any facsimile or reproduction of a municipal seal, except by Village officials or employees in the performance of their official duties, without the express approval of the Village Council, shall constitute a misdemeanor crime of the second degree; and

WHEREAS, the Village desires to ensure, through codification of this penalty, that all persons and entities which may contemplate using the Village seal for unauthorized or fraudulent purposes are fully aware of the potential penalty for such actions; and

WHEREAS, when the Village was initially formed, it adopted significant portions of the Lee County Code and related County procedures; and

WHEREAS, specifically, in § 2-2 of the Village Code, the Village adopts the entire Lee County Administrative Code, including any subsequent amendments thereto; and

WHEREAS, the Village Attorney has recommended that this provision be removed from the Village Code because many of the County administrative code's provisions are inconsistent with or not relevant to the Village's operations, and are not widely known to current Village staffers; and

WHEREAS, the Village Attorney has recommended that to replace the adoption of the County's administrative code, the Council should establish the general authority of the Village Manager to create, maintain and revise Village-specific administrative rules and procedures which are not inconsistent with Village Codes or Council-adopted policies; and

WHEREAS, the Village Council finds that it is in the Village's best interests to adopt the provisions of this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Village Council of the Village of Estero, Florida, that:

Section 1. Section 2-1 (Official seal) of the Village Code is hereby amended as follows:

Sec. 2-1. - Official seal.

(a) The Village hereby adopts the following as its official seal:



(b) Pursuant to Florida Statutes § 165.043, the manufacture, use, display, or other employment of any facsimile or reproduction of the village's seal, except by village officials or employees in the performance of their official duties, without the express approval of the village council, shall constitute a second-degree misdemeanor.

Section 2. Section 2-2 (Administrative Code adopted) of the Village Code is hereby amended as follows:

Sec. 2-2. – Village administrative rules and procedures authorized.

- (a) The village manager is authorized to develop administrative rules and procedures regarding the operation or conduct of village business. Such administrative rules and procedures may address internal matters such as maintenance, security, procurement, and other operational aspects of village operations, and may include promulgation of related forms.
- (b) Administrative rules and procedures adopted pursuant to subsection (a) above may not conflict with any provision of the village code, nor any resolution or other policy action adopted by the village council. Administrative rules and procedures should be published to the village's website or otherwise made available for village employees and contracted workers to access. Administrative rules and procedures should be directed at the administrative work of village employees and contracted workers, or designed as forms or procedures for applicants or customers of village services to use. They shall not have the effect of law, and no citizen or business may be cited for violation thereof.

Section 3. For purposes of codification of any existing section of the Estero Village Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are

deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Estero Village Code contained in Sections 1 through 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING by the Village Council of the Village of Estero, Florida on the 8th day of January, 2025.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the
Village of Estero, Florida on the 22nd day of January, 2025.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Jon McLain, Mayor

By: _____
Carol Sacco, Village Clerk